

Fishery Conservation and Management

§ 665.966

§ 665.965 Fishing permit procedures and criteria.

(a) *Rose Atoll Monument non-commercial fishing permit*—(1) *Applicability*. Both the owner and operator of a vessel used to non-commercially fish for, take, retain, or possess MUS in the Monument must have a permit issued under this section, and the permit must be registered for use with that vessel.

(2) *Eligibility criteria*. A permit issued under this section may be issued only to a community resident of American Samoa.

(3) *Terms and conditions*. (i) Customary exchange of fish harvested under a non-commercial permit within the Monument is allowed, except that customary exchange by fishermen engaged in recreational fishing is prohibited.

(ii) Monetary reimbursement under customary exchange shall not exceed actual fishing trip expenses, including but not limited to ice, bait, fuel, or food.

(b) *Rose Atoll Monument recreational charter permit* — (1) *Applicability*. Both the owner and operator of a vessel that is chartered to fish recreationally for, take, retain, or possess MUS in the Monument must have a permit issued under this section, and the permit must be registered for use with that vessel. Charter boat customers are not required to obtain a permit.

(2) *Permit eligibility criteria*. To be eligible for a permit issued under this section, a charter business must be established legally under the laws of American Samoa.

(3) *Terms and conditions*. (i) The sale or exchange through barter or trade of fish caught by a charter boat fishing in the Monument is prohibited.

(ii) No MUS harvested under a recreational charter fishing permit may be used for the purposes of customary exchange.

(c) *Application*. An application for a permit required under this section must be submitted to PIRO as described in § 665.13.

(d) *Transfer*. A permit issued under this section is not transferrable.

(e) *Reporting and recordkeeping*. The operator of a vessel subject to the requirements of this section must comply with the terms and conditions described in § 665.14.

[78 FR 33003, June 3, 2013, as amended at 78 FR 39583, July 2, 2013]

§ 665.966 International law.

The regulations in this subpart shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.